

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TEAM RUBICON GLOBAL, LTD., a Delaware Corporation)
Plaintiff,)
v.) Civ. No. 20-cv-2537 (LTS) (KNF)
TEAM RUBICON, INC., a Minnesota Corporation)
Defendant,)
TEAM RUBICON, INC., a Minnesota Corporation)
Counterclaim Plaintiff,)
v.)
TEAM RUBICON GLOBAL, LTD., a Delaware Corporation)
Counterclaim Defendant.)

DECLARATION OF ELIZABETH A. PARVIS

Elizabeth A. Parvis, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury as follows:

1. I am an Associate at the law firm of Latham & Watkins LLP, 885 Third Avenue, New York, NY 10022, representing Defendant and Counterclaim-Plaintiff Team Rubicon, Inc. (“Team Rubicon”) in the above-captioned matter against Plaintiff and Counterclaim-Defendant Team Rubicon Global (“TRG”). I am a member in good standing of the bar of the state of New York and this Court.

2. I submit this declaration in support of Team Rubicon's Brief in Opposition to TRG's Motion to Stay and Set a Security for this Court's May 19, 2020 Preliminary Injunction. I am familiar with all of the facts and circumstances set forth herein.

3. On April 17, 2020, shortly after this lawsuit was filed by TRG, Team Rubicon sent a letter to TRG explaining that it “remain[ed] open and willing to participate in … the dispute resolution process” and considered “confidential mediation” to “be the best option for all parties” to “resolve their differences in a productive and collaborative way.” A true and correct copy of this letter, dated April 17, 2020, is attached hereto as **Exhibit A**. TRG did not respond to Team Rubicon’s request for mediation, and instead filed its motion for preliminary injunction on April 22, 2020.

4. On May 20, 2020, the day after the Court issued its May 19, 2020 preliminary injunction, Team Rubicon called and emailed TRG to discuss orderly compliance with the injunction, including an offer to provide a reasonable transition period during which TRG would be allowed to use the TR Marks. Attached hereto as **Exhibit B** is a true and correct copy of an email sent to TRG requesting follow-up. TRG did not respond to this communication.

5. On May 22, 2020, Team Rubicon sent individual letters to each of Team Rubicon Australia (“TR-AUS”), Team Rubicon United Kingdom (“TR-UK”), and Team Rubicon Norway (“TR-NOR”) acknowledging the “logistical hurdles” the TR-Xs may face in light of the injunction and offering to “provide a reasonable transition period … to re-brand and operate as a stand-alone, independent organization.” A true and correct copy of the May 22, 2020 Letter to TR-AUS is attached hereto as **Exhibit C**. A true and correct copy of the May 22, 2020 Letter to TR-UK is attached hereto as **Exhibit D**. A true and correct copy of the May 22, 2020 Letter to TR-NOR is attached hereto as **Exhibit E**. After sending these letters, Team Rubicon engaged in negotiations with each entity, and also TRG, and offered extended transition periods and financial incentives tied to rebranding.

6. Attached hereto as **Exhibit F** is a true and correct copy of TR-AUS's response to Team Rubicon's letter, dated May 28, 2020. Attached hereto as **Exhibit G** is a true and correct copy of TR-UK's email response to Team Rubicon's letter, dated May 28, 2020. Attached hereto as **Exhibit H** is a true and correct copy of TR-NOR's response to Team Rubicon's letter, dated May 29, 2020.

7. In follow up letters to the TR-Xs on June 1, 2020, Team Rubicon also offered TR-UK and TR-AUS the ability to continue to use equipment and supplies already branded with the TR Marks, such as vehicles, volunteer uniforms, and other tangible items used by the organizations during the execution of their charitable missions. A true and correct copy of the June 1, 2020 Letter to TR-AUS is attached hereto as **Exhibit I**. A true and correct copy of the June 1, 2020 Letter to TR-UK is attached hereto as **Exhibit J**. A true and correct copy of the June 1, 2020 Letter to TR-NOR is attached hereto as **Exhibit K**. None of TR-Xs have accepted Team Rubicon's offers.

8. Attached hereto as **Exhibit L** is a true and correct screenshot dated June 2, 2020, of the website located at domain name www.disasterreliefaus.org (formerly www.teamrubiconaus.org).

9. Attached hereto as **Exhibit M** is a true and correct screenshot dated June 2, 2020, of a Twitter account for [@React_Response](#), which describes on its profile page that it is the organizational account that was "previously Team Rubicon UK."

10. On May 29, 2020, after learning from TRG's letter to the Court that TRG's emails had been suspended causing an issue with an Airbnb account and reservations, Team Rubicon immediately reached out to GoDaddy (TRG's web server) and requested that GoDaddy restore the functionality of TRG's email. Team Rubicon followed up on these requests daily until it

received confirmation, on June 1, 2020, that such access had been restored. Team Rubicon also affirmatively reached out to its account manager at Airbnb—despite Team Rubicon never having contacted Airbnb regarding the injunction—to ensure that neither TRG or TR-UK have their accounts or reservations suspended, or lose reservation or housing credits. Attached hereto as **Exhibit N** is a true and correct copy of the emails sent to GoDaddy regarding the restoration of TRG's email accounts. Attached hereto as **Exhibit O** is a true and correct copy of Team Rubicon's correspondence with Airbnb, dated May 29, 2020.

I declare under penalty of perjury that the foregoing is true and correct.

Malverne, NY
Dated: June 2, 2020

/s/ Elizabeth A. Parvis
Elizabeth A. Parvis